

October 17, 2002

PUBLIC UTILITIES COMMISSION
Interim Electric Energy Conservation Programs

ORDER EXPANDING
NORTHERN MAINE BOC
PROGRAM

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

By this Order, we approve expansion of the Building Operator Certification (BOC) program being offered in Aroostook County to allow attendance to reach the minimum level required by the course administrator.¹ We approve fully funding the tuition of personnel who operate and maintain non-profit hospitals in Aroostook County. If minimum attendance cannot be attained by expanding funding to these personnel, we approve fully funding the tuition of personnel who operate and maintain municipal buildings in the major metropolitan areas of Northern Maine.

II. BACKGROUND

P.L. 2001, ch. 624 (the Conservation Act),² enacted during the second session of the 120th Legislature, establishes terms that govern an electric energy conservation program in Maine. Section 4 of ch. 624 directs the Maine Public Utilities Commission (Commission) to develop and implement electric energy conservation programs that are consistent with the goals and objectives of an overall energy conservation program strategy that the Commission must establish. Various other statutory directives require the Commission to promulgate rules and hold public hearings.

Recognizing that the process of implementing electric energy conservation programs will necessarily take many months, the Legislature authorized the Commission to implement interim programs. Section 7 of ch. 624 states:

Interim programs. In order to avoid a significant delay in the implementation of conservation programs pursuant to the Maine Revised Statutes, Title 35-A, Section 3211-A, the Public Utilities Commission may

¹ Northeast Energy Efficiency Program, Inc. (NEEP) delivers the BOC course throughout the Northeast. NEEP requires a minimum of 23 students, but varies that number depending on the attendance at other BOC sessions offered in the State.

² The Conservation Act may be found on the Commission's web page: www.state.me.us/mpuc (and access the Electric Conservation Activities site).

use funds from the conservation program fund established pursuant to Title 35-A, section 3211-A, subsection 5 to implement on a short-term basis conservation programs that the commission finds to be cost effective. The commission is not required to satisfy the requirements of Title 35-A, section 3211-A before implementing such programs. Any programs implemented under this section must terminate no later than December 31, 2003. Funds in the conservation program fund not used for short-term programs under this section must be used in accordance with Title 35-A, section 3211-A.

On June 13, 2002, we issued our Order Establishing Interim Conservation Programs, which ordered immediate implementation of specific interim programs that were described in the Order, including a Building Operator Certification (BOC) course for personnel who operated and maintained K-12 public school facilities. The Order authorized two sessions – one in Portland and one in Bangor. On August 20, we approved funding for a BOC course in Northern Maine. Recognizing the limited number of schools in Northern Maine and the significant travel distance required by attendees, we expanded our funding to personnel who operated and maintained both K-12 and publicly-funded higher education institutions. The number of attendees who have signified their intent to send personnel to the Northern Maine course is still insufficient to meet the minimum requirements of the Northeast Energy Efficiency Program, Inc., the organization that offers the course.

III. DISCUSSION

We understand that the BOC course is highly likely to result in reduced energy costs for the businesses that attend. We prefer to avoid a situation where the lack of population density would deprive the schools in Northern Maine of the opportunity to attend the BOC course.³ We initially chose to offer the program to public schools because the benefits would extend to all citizens in towns whose school personnel attended. This decision was consistent with our intent to offer programs whose benefits are realized by as many Maine citizens as possible. We will use this principle in deciding what additional personnel to fund in Northern Maine. Improving the efficiency of non-profit hospitals will lower costs to citizens throughout their regions, and improving the efficiency of municipal buildings will lower the tax burden of citizens in their municipal areas. Thus, we authorize Commission Staff to notify eligible Northern Maine hospitals of their eligibility to attend the BOC course. If still more students are necessary to allow the course to be offered, we authorize Staff to solicit attendees from the largest municipalities in the region.

³ If a sufficient number of students did not enroll, we would provide the level of funding necessary for the course to be held. However, we intend through this order to avoid this situation.

Dated at Augusta, Maine, this 17th day of October, 2002.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Nugent
 Diamond
 Welch

THIS ORDER HAS BEEN DESIGNATED FOR PUBLICATION

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.